REMARKS

Claim 1 has been amended by adding the subject matter of claims 5 and 6 thereto. Of course, claims 5 and 6 are canceled as redundant of thus-amended claim 1, and the dependency of claims 7, 10 and 16 is appropriately changed.

This amendment must be entered and considered after final rejection, because claims 5 and 6 were in the application at the time of final rejection. Therefore, there is nothing that would require further consideration and/or search, and hence no ground for refusing entry to this amendment.

This amendment places the application in condition for allowance, because the combination of HOAGUE and JENSEN simply does not teach the invention as now claimed in claim 1.

Specifically, HOAGUE in view of JENSEN does not teach the feature now recited in amended claim 1, that the ventilator comprises a converter (50) adapted to transform an electrical signal into a sound signal, this converter being situated in the duct (14).

It is not accurate to say, with respect to HOAGUE, that HOAGUE's converter is located in duct 130, because the converter, although located in unit 130, is not in a duct for the air stream. Unit 130 is only a housing 134 surrounding a part of the duct in which the air is flowing, and the converter 202 is located between the external wall of the duct and the internal wall of this part of the unit 130.

In this part of the unit 130, the duct is the passageway of the air in the blower, and the wall of the duct is the wall of the blower 18.

As shown in Figures 1 and 2 of HOAGUE, the unit has two different functions. The first is that it is a housing surrounding a duct (the blower 118) described in the disclosure as a housing 134, and another in which it is a portion of a duct for the airflow, this last part being described by HOAGUE as the "main housing 134" (column 3, lines 23-24).

Note that in HOAGUE, the same reference numeral 134 has been used for the two different housings, in Figure 4 the one on the left and the main one on the right.

There is attached to this amendment a schematic which shows an exploded longitudinal cross-sectional view of HOAGUE's device. This schematic is based on Figures 1 and 2 of HOAGUE, which themselves are difficult to understand.

The shaded path on the schematic is the air stream or air duct in the air filter unit 130, and only this shaded path can be considered as an air duct. It comprises the main housing 134 and the passage duct into the blower 118, the blower being located in the housing 134, its input being connected to the main housing 134 as shown at 118, and its output being connected to the output 112.

The dividing wall between the housing 134 and the main housing 134 is the wall of the battery pack 120, the front face

of the blower motor 118 (not shown in Figure 2) and the frame of the filter 124/128.

Thus, it is not accurate to say that the second case is defined in HOAGUE as element 130 as a whole, in which the converter which applicant says is the fan 118 is such but it is also in the duct or the airflow passageway located in case 130 between the orifice 112 and the outside of the first case 134. In fact, it will be seen from the attached schematic, and reference back to the HOAGUE disclosure, that the converter 202 is not in the shaded path.

It is not accurate to say that all the filtered air is flowing in the two housings 134, that is, the housing 134 and the main housing 134.

In fact, such an arrangement would be unthinkable, simply because it is very dangerous to position all electric circuit boards, battery pack, etc. directly in the flowing air that is to be breathed by a person, because explosion or a gas emanation, or an electric arc or the like could be very dangerous to the person. Such exposure of the person to explosion or gas or electric shock is broadly prohibited, especially in the case of a device such as a head cover 102.

It should also be understood that the air filter unit 130 of HOAGUE comprises two separate housings:

1. one in which are positioned all the electrical devices 120, 116, 114, which however is not a duct for the air

stream, this housing surrounding a part of the air duct, that is, the passage of the stream and the blower, and

2. the other housing, the main housing 134 with the frame of filter 124/128, in which the air does actually flow as indicated by column 3, lines 22 and 23 of HOAGUE, this main housing being a duct for the air stream.

Thus, as can be seen in HOAGUE's Figure 2, the piezo alarm 202 is not in the air stream or air duct, but only in the housing 134 outside the blower 118 and in no case inside the blower duct, because it is seen in full line on the rear view of Figure 2 of HOAGUE.

See also column 3, lines 63-67 of HOAGUE, in which it is stipulated that:

> "To provide further filter end of service life alert capability to the respiratory system user, a piezo alarm 202 electrically coupled to the system usage monitoring circuit provides an audible alert upon the filter assembly 124 reaching the end of its useful service life (emphasis applied)".

Thus, it will be seen that the function of HOAGUE's device is as follows: the converter 202 generates noise in all the parts of the air filter unit 130 and, because of migration, constitutes a sound amplifier for better hearing of the alarm by the user. In contrast, however, according to the present invention, the sound is transferred directly and only by the air stream.

It is also clear that the converter 202 of HOAGUE provides an audible alert on or upon the filter assembly 124, and not in the air stream.

Thus, according to amended claim 1, the converter is in the output duct, and the beneficial result is pointed out on page 10, lines 19-28 of our specification, which please read carefully.

In short: nothing in HOAGUE discloses or suggests that the alert alarm is positioned in the air output duct; and as a result, the present invention cannot be anticipated or rendered obvious by HOAGUE in view of JENSEN.

As the claims now in the case clearly bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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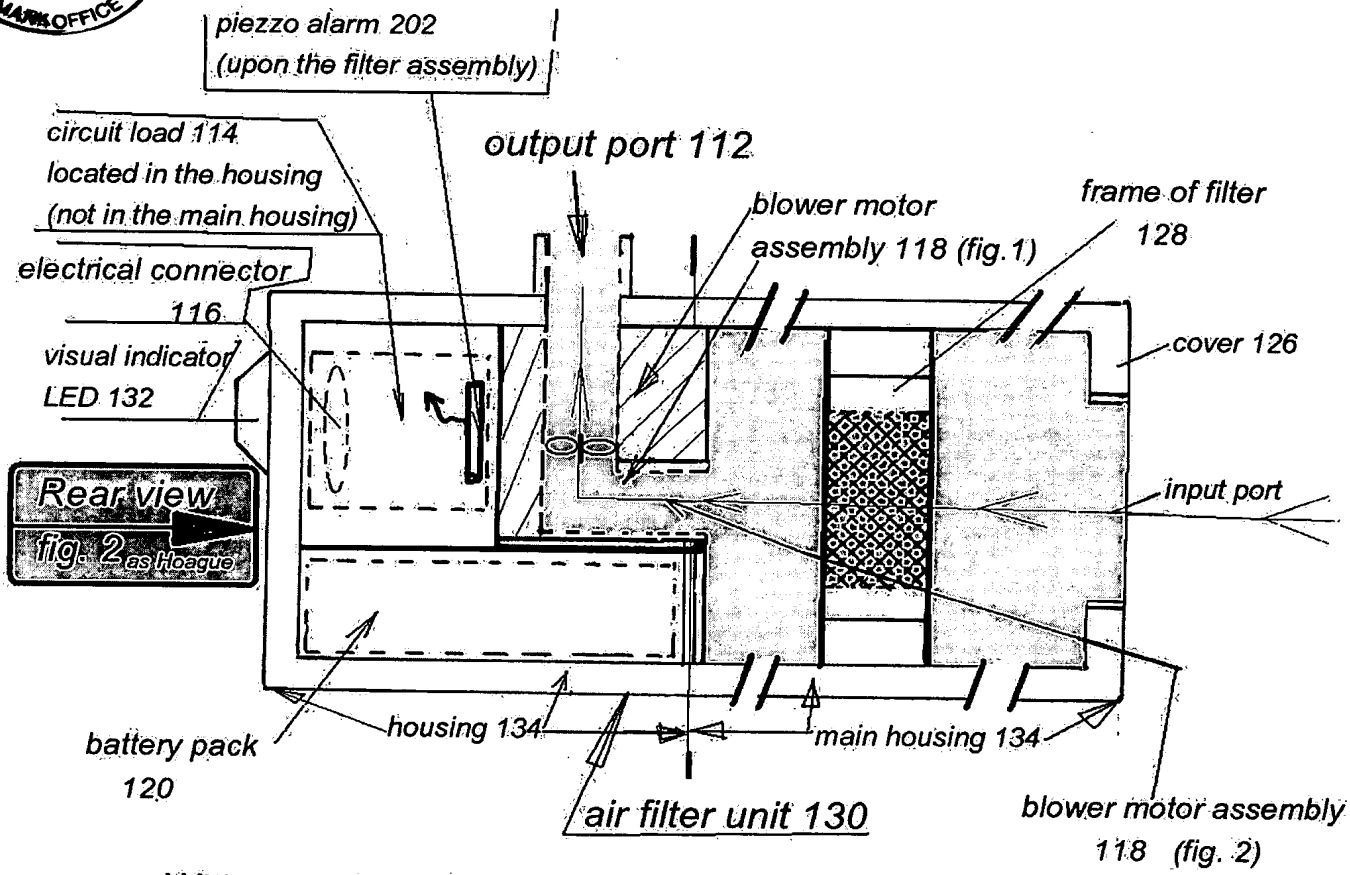
RJP/lk

APPENDIX:

The Appendix includes the following item:

- schematic showing an exploded longitudinal cross-sectional view of HOAGUE's device

ANNEXED SCHEME



With this view, it is very clear that :
the piezzo alarm 202 is in front of the external wall of the blower and not in the duct in which is flowing the air,
as in the Ozil's invention.

In yellow : the path of the air between the input port and the output port 112